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COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLES 16 AND 17 OF THE COVENANT

Preliminary concluding observations of the Committee
on Economic, Social and Cultural Rights

Dominican Republic

1. The Committee considered the second periodic report of the Dominican Republic on articles 1 to 15 of the Covenant (E/1990/6/Add.7) at its 29th and 30th meetings, held on 19 November 1996, and adopted, at its 50th meeting, held on 3 December 1996, the following concluding observations.

A. Introduction

2. The Committee expresses its appreciation to the State party for its report and welcomes the appearance before it of the Permanent Representative of the Dominican Republic to the United Nations Office at Geneva. The Committee, however, notes with regret that the Government of the State party neither provided written replies to the Committee's list of issues (E/C.12/1995/LQ.7) made available to it in January 1996, nor sent an expert delegation to present its report as it had promised to do at the Committee's fourteenth session in May 1996, when requesting the postponement of the consideration of its report to the fifteenth session. Consequently, the Committee was obliged, in accordance with its method of work, to consider the second periodic report of the Dominican Republic without the benefit of a dialogue or the participation of an expert delegation. Nevertheless, the Committee notes the statement by the Permanent Representative of the Dominican Republic to the United Nations Office in Geneva that, although she was unable to take an active part in the dialogue with the Committee, she would communicate to her Government the principal additional

subjects of concern identified by the Committee in the course of its deliberations.

3. The Committee notes with dissatisfaction that the report submitted by the Government of the State party was, like the initial report, not prepared in accordance with its revised general guidelines (E/C.12/1991/1). It also notes that information contained therein is incomplete and of a purely legal nature, without any reference to the situation concerning the practical realization of the rights set forth in the Covenant, and that the suggestions and recommendations formulated by the Committee in its concluding observations and adopted at its eleventh session in November 1994 have not been addressed in the present report. It further notes, with regret, the lack of information of a general character which the State party was supposed to have provided in a "core document", which it has similarly failed to submit.

4. The Committee feels that the failure of the State party to respond to the list of issues and to send a delegation with competence to engage in a dialogue with it during this fifteenth session shows, on part of the State party, a consistent pattern of disregard for its obligations under the Covenant and an unwillingness to cooperate with the Committee.

5. In this connection, the Committee wishes to express its gratitude to the non-governmental organizations, both national ("Ciudad Alternativa" and COPADEBA) and international (Habitat International Coalition and International Women's Rights Action Watch) for the detailed and carefully documented information they have made available to it in relation to the Dominican Republic's report. In particular, the Committee draws the attention of the State party to the document "The Dominican Republic: An independent report submitted to the UN Committee on Economic, Social and Cultural Rights by the International Women's Rights Action Watch".

B. Positive aspects

6. The Committee notes with satisfaction, from the information available to it from other sources, that the Government has repealed Decree No. 358-91, the application of which had previously negatively affected the realization of the right to adequate housing, and that it has provided a solution to the cases of eviction pronounced under previous governments.

7. The Committee further appreciates the information that the Government has undertaken a thorough review of the public health sector and is preparing a reform of the Health Code.

8. The Committee further appreciates the attempts being made in the Chamber of Deputies to recognize domestic violence as a public health issue and thus to discourage gender violence as a matter of public policy.

C. Factors and difficulties impeding the implementation of the Covenant

9. The Committee notes that the slow evolution towards democracy and the rule of law in the Dominican Republic has inhibited the strengthening of democratic institutions, the modernization of the machinery of government and, consequently, the effective implementation of the Covenant.

10. The Committee also observes that economic difficulties characterized by, inter alia, an increasing number of impoverished people (60 to 65 per cent of the population live below the poverty line) and the landless rural population, the high level of unemployment, especially in the cities, and the persistent large-scale emigration of skilled and semi-skilled workers out of the country have had a constraining influence on the implementation of the Covenant in the country.

D. Principal subjects of concern

11. In relation to article 2 of the Covenant, the Committee observes that the Dominican Republic has done very little to promote public awareness of the rights set forth in the Covenant . The Committee has been informed that abuses by the police and other security services persist.

12. The Committee notes with regret that, although in law United Nations human rights treaties become part of Dominican law upon ratification, in practice the judiciary does not apply these international treaties.

13. The Committee is particularly concerned about the exploitation of Haitians, and their unacceptable living conditions in the *bateyes*. In this connection, it has no reason not to accept the veracity of various reports which emphasize the dire predicament of workers in the *bateyes*, especially women workers whose presence there is not administratively recognized and who therefore become vulnerable to extreme exploitation (their wages are 50 per cent lower than men's) and are often deprived of their rights and the most basic health and social services. Both men and women in the *bateyes*, as well as Haitian workers in other sectors of the economy, live in perpetual insecurity and they constitute the principal national group in the Dominican Republic who are subject to deportation in inhuman conditions, often at the whim of employers who take advantage of the State's inaction to exploit the vulnerability of this group.

14. The Committee takes note of information from various sources concerning the arbitrary confiscation of identity cards called "cedulas" and the illegal deportation of persons of Haitian origin born in the Dominican Republic during the 1993-1996 presidential campaign. This information stresses the insecurity prevailing with regard to nationality of Dominican citizens of Haitian origin. It thus appears necessary to adopt clear legislation on nationality, which would procure legal security to persons of Haitian origin born in the Dominican Republic and to their children, which would require the authorities to register births without discrimination, and which would allow Haitians to obtain Dominican nationality through naturalization under the same conditions as other foreigners.

15. The Committee is informed that Black Dominicans are often subject to the same arbitrary police and administrative discrimination as temporary Haitian workers. Groups representing Blacks in the Dominican Republic also claim that the State violates their cultural rights by allowing the police and some communities to suppress Afro-American or African-identified cultural practices. They also assert that discrimination of this kind is encouraged at the public schools and by employers in both the public and private sectors.

16. The Committee also notes with concern that, according to information received from various sources, there is no mechanism for lodging complaints against the arbitrariness or corruption of some judges and that there is no appellate procedure for challenging the discriminatory application of a law, an executive decree or a decree of the court.

17. The Committee notes with great concern that state expenditures on education and training, as a proportion of public expenditure are less than half their average in Latin America.

18. The Committee notes with concern that large-scale emigration of Dominicans has been going on for many years and has had and will continue to have a harmful effect on the Dominican economy, since a great part of the emigrants are skilled workers. The State party will have to take measures in the educational and socio-economic fields to stem the out-flow of skilled workers.

19. The Committee notes with alarm that, 30 years after the first industrial park was established in a free trade zone in the Dominican Republic, unacceptable working conditions and abuses against workers rights under articles 6, 7 and 8 of the Covenant continue.

20. The Committee notes with concern the inhuman and archaic prison system, whereby members of the family of an accused person, who has run away may be

imprisoned without trial in his place as a guarantee for the absentee accused until he hands himself over to the prison authorities; and whereby prisoners are supposed to buy their own meals at weekends, when the prison authorities stop providing any meals to the prisoners.

23. The Committee is concerned to note the persistent risk of "new tourism" in resort areas and the spread of AIDS, which is one of the country's greatest health problems.

24. The Committee is particularly concerned that the enjoyment by women of economic, social and cultural rights is undermined, inter alia by: a traditional and persistent male dominated society; the failure to ensure that single women heads of household benefit from the Agrarian reform or the Government's housing programme; the absence of any administrative mechanism that allows women to file complaints in cases of discrimination by the Dominican Agrarian Institute; the failure of the Government to protect women workers from discrimination or arbitrary dismissal related to pregnancy, including failure to discourage employers from the practice of pregnancy testing; and failure to develop and promote family planning services. The Committee is also concerned that, despite the very high rate of hospital births in the Dominican Republic, the rate of maternal mortality is unacceptably high; common law marriages are not legally recognized, although 47 per cent of all marriages are of this nature and, consequently, in cases of separation, abandonment or the death of the male breadwinner of the family a woman frequently loses everything and finds it difficult to acquire a cedula or collateral, without which she cannot obtain agricultural credit, housing or employment.

25. The Committee wishes to voice its serious concern about the continuing problem of violence against women and the insufficient attention paid to the problem by governmental institutions.

26. The Committee expresses its concern about the issue of limited access to safe drinking water for the rural population and those living in deprived urban areas, the higher incidence of infant mortality in certain socio-economic groups, the deplorable situation of persons with disabilities, the prevalence of endemic diseases, the problem of the inadequacy of social welfare and security, the persisting housing shortage and the inadequacy of access to health care.

27. The Committee also calls attention to the various concerns it has expressed to the State party since its fifth session (1990) in relation to the continuous violation of the right to adequate housing, and regrets the fact that it has received an entirely unsatisfactory and inadequate response from the State party

in this respect. The Committee reminds the State party of the significance it attaches to the right to adequate housing and thus to the adoption of measures by the State party to recognize, respect, protect and fulfil that right.

E. Suggestions and recommendations

26. The Committee invites the State party to confirm publicly its commitment to implement its binding human rights treaty obligations. It strongly calls upon the Government of the State party to honour its obligations under the International Covenant on Economic, Social and Cultural Rights, particularly through maintaining the proper direct and constructive dialogue with the Committee called for in the Covenant. The Committee proposes to adopt finally its concluding observations in relation to the State party at its sixteenth session. For that reason the Committee decides that these concluding observations will be considered "preliminary", pending further consideration of the report based on a dialogue with representatives of the State party at its sixteenth session.

27. In view of the consistent failure of the State party to meet its reporting obligations under the Covenant and to respond to successive requests for information made by the Committee over a number of years, the Committee urges the State party to attach the utmost importance to responding to the matters raised in the present concluding observations.

28. The Committee further recommends that the State Party provide it with written replies to its concluding observations adopted at its eleventh session (E/C.12/1994/15), in particular with regard to its request that the State party invite representatives of the Committee to visit the Dominican Republic; the written list of issues drawn up with respect to the third periodic report (E/C.12/1995/LQ.7); information contained in the document "The Dominican Republic: An independent report submitted to the UN Committee on Economic, Social and Cultural Rights by the International Women's Rights Action Watch".

29. The Committee requests the State Party to submit the information referred to in the preceding paragraph by 15 February 1997 in order to allow the Committee to consider that information at its sixteenth session, to be held from 28 April to 16 May 1997.

30. The Committee strongly recommends that the specific information requested above be presented to the Committee at its sixteenth session by an expert delegation.

31. The Committee encourages the State party to widely disseminate the Concluding observations adopted by the Committee following the consideration of the State party's second periodic report.